

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVID FINKELSTEIN, Individually and on Behalf of All Others Similarly Situated,	:	Civil Action No. 1:24-cv-04056 (JMF)
	:	
Plaintiff(s),	:	<u>CLASS ACTION</u>
	:	
v.	:	
	:	
ANDREW FOX, LEAH SCHWELLER, CRAIG DENSON, PHILLIP P. SCALA, JUSTIN DEUTSCH, JAMES MURPHY, BARON DAVIS, BENJAMIN CARSON, JR., CHANTEL E. LENARD, GARY JACOBS, AMY HANSON, JACKY WU, KENNETH ORR, KORR ACQUISITIONS GROUP, INC., KORR VALUE, L.P., ARENA INVESTORS, LP, AI AMPED I, LLC, AI AMPED II, LLC, MT. WHITNEY SECURITIES, LLC, ARENA ORIGINATION CO., LLC, ARENA FINANCE MARKETS, LP, ARENA SPECIAL OPPORTUNITIES FUND, LP, ARENA SPECIAL OPPORTUNITIES PARTNERS, I, LP, ARENA STRUCTURED PRIVATE INVESTMENTS LLC, and ARENA INVESTORS GP, LLC,	:	<b>JOINT STIPULATION AND ORDER</b>
	:	
Defendants.	:	

WHEREAS, the initial Complaint for the Violation of the Federal Securities Laws in the captioned matter on behalf of plaintiff David Finkelstein, individually and on behalf of all others similarly situated, was filed on May 1, 2024 (ECF No. 1);

WHEREAS, an amended complaint on behalf of court-appointed lead plaintiffs Steven Weill, David Klein, Isaac Broyn, and Elliot Abramowitz, and plaintiff, David Finkelstein, individually and on behalf of all others similarly situated, was filed on November 5, 2024 (ECF No. 51);

WHEREAS, due to the lead plaintiff appointment requirements of the Private Securities Litigation Reform Act of 1995, the lead plaintiff was changed to Timothy K. Klintworth, individually and on behalf of all others similarly situated (“Klintowrth“ or “Lead Plaintiff”), and a second amended complaint reflecting same was filed on January 17, 2025 (ECF No. 66);

WHEREAS, a Third Amended Complaint for Violation of the Federal Securities Laws (“Third Amended Complaint”), currently the operative complaint, maintains Klintowrth as Lead Plaintiff and was filed on March 10, 2025 (ECF No. 85);

WHEREAS, defendants Kenneth Orr (“Orr”), KORR Acquisitions Group, Inc. (“KORR Acquisitions”) and KORR Value, L.P. (“KORR Value”) (or collectively, the “Orr Defendants”) were mentioned, but described as nonparties and weren’t defendants, in the initial complaint;

WHEREAS, the Orr Defendants were among the defendants in the amended complaint and in the second amended complaint, but weren’t served with either of them;

WHEREAS, the Orr Defendants are among the defendants in, and were served with, the Third Amended Complaint on April 4, 2025 (Certificates of Service: ECF No. 96 respective to Orr, and ECF No. 97 respective to KORR Acquisitions and KORR Value);

WHEREAS, Lead Plaintiff and certain defendants other than the Orr Defendants intend to enter into mediation (the “Mediation”) and have stipulated to extend such defendants’ time to answer or respond to the Third Amended Complaint to no later than 30 days after the completion of the Mediation under a Joint Stipulation and Order of this Court (“Mediation Stipulation”; ECF No. 103); and

WHEREAS, Lead Plaintiff and the Orr Defendants wish to explore resolving claims and disputes between them, and which may be impacted by the results of the Mediation, during the period of the Mediation Stipulation.

IT IS HEREBY STIPULATED AND AGREED TO between the parties, through their respective undersigned counsel, as follows:

1. Defendants Kenneth Orr, KORR Acquisitions Group, Inc., and KORR Value, L.P. shall not be required to answer or otherwise respond to the Third Amended Complaint during the period of the Mediation Stipulation, i.e., until 30 days after the completion of the Mediation;

2. For avoidance of doubt, by this Joint Stipulation and Order none of the Orr Defendants have agreed to, or are required to, enter into mediation with Lead Plaintiff during the period of the Mediation Stipulation;

3. Undersigned counsel for the Orr Defendants is authorized to accept service of process and other papers and communications filed or germane to this matter on behalf of each or all Orr Defendants, without prejudice and without waiver of any of these defendants' averments, defenses, objections, or arguments in this matter, except as to sufficiency of service of process; and

4. During the period of the Mediation Stipulation, neither the Lead Plaintiff nor any of the Orr Defendants shall propound, serve or file discovery requests, motions, notices or other litigation obligations on the other.

*[Remainder of page left intentionally blank]*

Dated: New York, New York  
May 2, 2025


BRAGER EAGEL & SQUIRE, P.C.  
Attorneys for Lead Plaintiff  
*Timothy K. Klintworth and*  
*Lead Counsel for the Class*

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Attorneys for Defendants  
*Kenneth Orr; KORR Acquisitions Group, Inc.*  
*and KORR Value, L.P.*

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SO ORDERED this 5th day of May, 2025.

  
United States District Judge Jesse M. Furman